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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,206	09/22/2006	Fernando Alberto Grazziotin	GRAZ0101PUSA	5813
22045	7590	04/23/2009	EXAMINER	
BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075			NEWHOUSE, NATHAN JEFFREY	
			ART UNIT	PAPER NUMBER
			3782	
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			04/23/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/599,206

Applicant(s)

GRAZZIOTIN, FERNANDO
ALBERTO

Examiner

Matt Benvenuti

Art Unit

3782

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 June 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Amendment filed February 9th, 2009 has been entered. Claims 1-11 have been cancelled. Claims 12-15 have been added and remain pending in the application.

Specification

2. The disclosure is objected to because of the following informalities:

[0012], Line 1, "...assembly (1) is formed..." should be "...assembly (1) formed..."

[0013], Line 1 is unclear, as it is unclear how the removal of air between bags relates to the malleability and rigidity of the bag assembly

[0014], Line 1 it is unclear what Applicant is trying to say

Appropriate correction is required.

Claim Objections

3. Claim 12 is objected to because of the following informalities: Line 6, "orthogonally" should be --orthogonally---. Appropriate correction is required.

4. Claim 13 is objected to because of the following informalities: Line 3, "...and fold over..." should be "... and folds over..." Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Art Unit: 3782

6. Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grazziotin (US 7,080,751) in view of Nestler (US 3,512,338).

In re Claim 12, Grazziotin teaches a bag (7) designed to be used in places that accumulate grit and dirt (Column 2, Lines 14-27) the bag comprising a seam (8) extending transversely across a lower end of the bag, the seam forming at least one projection extending outwardly from the lower end of the bag (Figure 4).

Grazziotin does not teach a bag assembly comprising orthogonally nested bags. Nestler teaches a set of nested bags, in which the mandrel is rotated slightly to offset the seams of adjacent bags. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to create a set of nested bags, as taught by Nestler with the bags of Grazziotin. Further, since Nestler discloses that it is known to rotate a mandrel, so that the seams of adjacent bags are offset, it would be within the level of ordinary skill in the art to offset the seams of the bags of Grazziotin 90 degrees when creating the nested bag assembly. Such a modification would have involved the use of a known technique of creating a nested bag assembly, and finding the optimal angle at which to offset the seams of adjacent bags.

In re Claim 13, the combination further teaches a multilayered sidewall is formed by the nesting of the bags. The additional limitations provide no additional structural limitations to the bag assembly. Further, the bag assembly of the combination is capable of being positioned within a container such that the sidewall extends out of and folds over a circumferential edge of the container for supporting the bag assembly.

In re Claim 14, the combination further teaches at least one bushing (Grazziotin, 71) that projects through the multilayered sidewall, forming at least one lateral opening for facilitating fluid communication through the bushing (Grazziotin, Figures 14 and 15).

In re Claim 15, the combination further teaches the bushing comprises an external fitting (Grazziotin, 79, Figure 15) for outwardly projecting through the external bag, capable of extending through a container to connect to an external tube, and an internal fitting (80) for projecting inwardly through the at least two internal bags and capable of being connect to an internal tube.

Response to Arguments

7. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

8. For the sake of advancing prosecution of the application, Examiner will address some of arguments put forth by the Applicant.

Applicant contends, page 6 of the response, that Nestler's disclosure of rotating the mandrel when creating the nested bags does not anticipate or render obvious the claim of rotating adjacent nested bags 90° because Nestler fails to disclose the reason for rotating the bags was to allow for an easier removal. As discussed above Grazziotin in view of Nestler does render newly added Claim 12 obvious because such a modification does meet the structural limitations of the Claim. The Applicant's reason for rotating the nested bags adds no additional structural limitations to the claim, and

Art Unit: 3782

Grazziotin as modified by Nestler teaches a stack of nested bags with offset seams as claimed.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matt Benvenuti whose telephone number is (571)270-5704. The examiner can normally be reached on Monday - Friday: 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone

Art Unit: 3782

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matt Benvenuti/
Examiner, Art Unit 3782

/Nathan J. Newhouse/
Supervisory Patent Examiner, Art Unit 3782